

**ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA
NOTICE OF PUBLIC HEARING**

TIME AND PLACE: Monday, January 30, 2006, @ 6:30 P.M.
Office of Zoning Hearing Room
441 4th Street, N.W., Suite 220-South
Washington, D.C. 20001

FOR THE PURPOSE OF CONSIDERING THE FOLLOWING:

CASE NO. 05-10 (Text Amendment - Capitol Gateway Overlay District)

THIS CASE IS OF INTEREST TO ANC 6D

On March 4, 2005, the Office of Planning petitioned, through a set down report, for a text amendment to the Capitol Gateway Overlay (CG Overlay). The Zoning Commission set down the case for public hearing at its special public meeting of December 5, 2005. The Office of Planning set down report also served as the pre-hearing statement for this case.

The total area of private land (not including roads or alleys) within the CG Overlay is about 100 acres, and is zoned CG/C-3-C; CG/CR; CG/W-2; CG/W-3; and CG/W-1. The proposed text amendment would apply to the entire area of the CG Overlay. The CG Overlay area is currently experiencing significant development interest, with a number of large and small development proposals either planned or underway. To ensure that the overall goals and objectives for the area are maintained, and in accordance with more recent planning initiatives, the Office of Planning proposes to:

- Provide regulations pertaining to existing Combined Lot provisions;
- Establish a Zoning Commission review and approval process and design guidelines for additional properties within the existing boundaries of the CG Overlay, including portions of Squares 601, 656, 657, 700, and 701; any property which abuts South Capitol Street; or for any property which is the recipient of additional density through the Combined Lot provisions;
- Establish preferred use (retail and entertainment) requirements and regulations along First and Half Streets SE south of M Street SE;
- Provide for a 15 foot setback and a 1:1 upper story step-back above a height of 110 feet for buildings fronting South Capitol Street;
- Provide for an upper stories step-back for building fronting Half Street SE south of M Street SE; and
- Provide for a 1:1 upper story step-back above a height of 110 feet for buildings fronting Potomac Avenue SE and SW.

Title 11 DCMR (Zoning), Chapter 16 CAPITOL GATEWAY OVERLAY DISTRICT is proposed to be amended as follows:

A. Section 1600, PREAMBLE, subsection 1600.2 is amended to add the following new purposes:

- (g) Provide for the establishment of South Capitol Street as a monumental civic boulevard;
- (h) Provide for the development of Half Street SE south of M Street SE as an active pedestrian oriented street with active ground floor uses and appropriate setbacks from the street façade to ensure adequate light and air, and a pedestrian scale.
- (i) Provide for the development of First Street SE south of M Street SE as an active pedestrian oriented street with active ground floor uses, connecting M Street, the Metro Station and existing residential neighborhoods to the Ballpark site and the Anacostia Waterfront.

B. Subsection 1602.1 is amended to read as follows:

1602.1 Two (2) or more lots within the Overlay District may be combined for the purpose of allocating residential and nonresidential uses regardless of the normal limitation on floor area by uses on each lot; provided, that the aggregate residential and nonresidential floor area shall not exceed the matter-of-right maximum height or density of the underlying zone district(s), except when bonus density is being constructed, subject to the following:.

- (a) The residential and nonresidential floor area on each individual parcel shall not exceed a maximum floor area ratio of 8.0 on parcels for which a height of 110 feet is permitted under the Height Act of 1910; or 8.5 on parcels for which a height of 130 feet is permitted under by the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code §§ 6-601.01 to 6-601.09) as amended (“the Height Act”), including any bonus density;
- (b) The amount of commercial density transferred from one parcel to another may not exceed the lesser of an FAR of 3.0 or the amount of residential density being transferred;
- (c) Maximum permitted height shall be that permitted for any site receiving combined lot density within the CG/CR District, but only to the extent necessary to accommodate any additional density received from another parcel; and

- (d) The combined lot provisions may not be used to transfer density to or from any property within the CG/C-3-C District.

C. Sections 1603 and 1604 are amended to read as follows:

1603 BUILDINGS, STRUCTURES, AND USES IN THE CG/W-2 DISTRICT

- 1603.1 The following provisions apply to new buildings, structures, or uses within the CG/W-2 District.
- 1603.2 All proposed buildings or structures shall be set back by no less than seventy-five (75) feet from the bulkhead, unless the Commission finds that such setback creates an undue economic hardship for the owner of the lot and in no case less than fifty (50) feet from the bulkhead; and
- 1603.3 The Zoning Commission, at its discretion, may provide for additional on-site or off-site bonus density to be earned for setbacks required under this section, based on the land area of the setback and the proposed features for public open space uses; provided, that 2.0 FAR based on the land area of the open space setback shall be used as a general guideline.
- 1603.4 The Zoning Commission, at its discretion, may grant bonus density for residential development in a building or a combined lot development, using a guideline of 1.0 FAR in excess of the normally allowed maximum of 4.0 FAR and an additional ten (10) feet in excess of the normally allowed maximum height of sixty (60) feet; provided that:
 - (a) The building or combined lot development shall include at least 2.0 FAR of residential development;
 - (b) The Zoning Commission, at its discretion, may allow construction of such bonus density on the property zoned CG/W-2 or may allow only for the bonus density to be transferred off-site to a lot or lots zoned CG/CR; and
 - (c) The provisions of §§ 1709.6 through 1709.12 and § 1709.14 shall govern the procedures for transferring bonus density off-site if permitted by the Commission.
- 1603.5 No private driveway to any parking or loading berth areas in or adjacent to a building or structure constructed after {*effective date of this section*} shall directly face the waterfront.

1604 BUILDINGS, STRUCTURES, AND USES ON M STREET S.E.

- 1604.1 The following provisions apply to new buildings, structures, or uses with frontage on M Street S.E. within the CG Overlay.
- 1604.2 The streetwall of each new building shall be set back for its entire height and frontage along M Street not less than fifteen (15) feet measured from the face of the adjacent curb along M Street, S.E.

- 1604.3 No driveway may be constructed or used from M Street to required parking spaces or loading berths in or adjacent to a new building.
- 1604.4 Each new building shall devote not less than thirty-five percent (35%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses (“preferred uses”) as permitted in §§ 701.1 through 701.5 and §§ 721.1 through 721.6 of this Title; provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building).
- 1604.5 Preferred uses shall occupy 100% of the building’s street frontage along M Street, except for space devoted to building entrances or required to be devoted to fire control.
- 1604.6 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1604.3 by non-preferred uses for up to a five (5) year period; provided, that the ground floor space is suitably designed for future occupancy by the preferred uses.
- 1604.7 Not less than fifty percent (50%) of the surface area of the streetwall of any new building along M Street shall be devoted to display windows having clear or low-emissivity glass except for decorative accent, and to entrances to commercial uses or the building.
- 1604.8 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.
- 1604.9 A building that qualifies as a Capitol South Receiving Zone site under § 1709.18 and for which a building permit has been applied for prior to August 31, 2001, shall not be subject to the requirements of this section.

D. The existing text of §§ 1605 and 1606 is recodified as §§ 1611 and 1612 and replaced by the following:

1605 BUILDINGS, STRUCTURES, AND USES ON SOUTH CAPITOL STREET

- 1605.1 The following provisions apply to new buildings, structures, or uses with frontage on South Capitol Street within the CG Overlay.
- 1605.2 Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than 15 feet, provided that a minimum of 60% of the street-wall shall be constructed on the setback line
- 1605.3 Any portion of a building or structure that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step back from the building line along South Capitol Street.

- 1605.4 No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after *{effective date of this section}*.

1606 BUILDINGS, STRUCTURES, AND USES ON FIRST STREET S.E., SOUTH OF M STREET SE

- 1606.1 The following provisions apply to new buildings, structures, or uses with frontage on First Street S.E. south of M Street SE, within the CG Overlay.
- 1606.2 Each new building shall devote not less than seventy percent (75%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses (“preferred uses”) as permitted in §§ 701.1 through 701.5 and §§ 721.1 through 721.6 of this Title; provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other than those accessory to the administration, maintenance, or leasing of the building).
- 1606.3 Preferred uses shall occupy 100% of the building’s street frontage along First Street SE, except for space devoted to building entrances or required to be devoted to fire control.
- 1606.4 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.
- 1606.5 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1606.1 by non-preferred uses for up to a five (5) year period; provided, that the ground floor space is suitably designed for future occupancy by the preferred uses.”

- E. New §§ 1607 through 1610 are added to read as follows:

1607 BUILDINGS, STRUCTURES, AND USES ON HALF STREET S.E., SOUTH OF M STREET SE

- 1607.1 The following provisions apply to new buildings, structures, or uses with frontage Half S.E. south of M Street SE, within the CG Overlay.
- 1607.2 Any portion of a building or structure that exceeds 65 feet in height shall provide a step back of 20 feet in depth from the building line along Half Street SE.
- 1607.3 Each new building shall devote not less than seventy percent (75%) of the gross floor area of the ground floor to retail, service, entertainment, or arts uses (“preferred uses”) as permitted in §§ 701.1 through 701.5 and §§ 721.1 through 721.6 of this Title; provided, that the following uses shall not be permitted: automobile, laundry, drive-through accessory to any use, gasoline service stations, and office uses (other

than those accessory to the administration, maintenance, or leasing of the building).

- 1607.4 Preferred uses shall occupy 100% of the building's street frontage along Half Street SE, except for space devoted to building entrances or required to be devoted to fire control.
- 1607.5 The minimum floor-to-ceiling clear height for portions of the ground floor level devoted to preferred uses shall be fourteen (14) feet.
- 1607.6 For good cause shown, the Commission may authorize interim occupancy of the preferred use space required by § 1607.2 by non-preferred uses for up to a five (5) year period; provided, that the ground floor space is suitably designed for future occupancy by the preferred uses.
- 1607.7 No private driveway may be constructed or used from Half Street SE to any parking or loading berth areas in or adjacent to a building or structure constructed after *{effective date of this section}*.

1608 BUILDINGS, STRUCTURES, AND USES ON POTOMAC AVENUE

- 1608.1 The following provisions apply to new buildings, structures, or uses with frontage on Potomac Avenue within the CG Overlay.
- 1608.2 Any portion of a building or structure that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step back from the building line along Potomac Avenue.

1609 BUILDINGS, STRUCTURES, AND USES ON P STREET SE & SW

- 1609.1 The following provisions apply to new buildings, structures, or uses with frontage On P Street SE and P Street SW within the CG Overlay.
- 1609.2 No private driveway may be constructed or used from P Street SW to any parking or loading berth areas in or adjacent to a building or structure constructed after *{effective date of this section}*.

1610 ZONING COMMISSION REVIEW OF BUILDINGS, STRUCTURES AND USES

- 1610.1 The following provisions apply to properties located:
- (a) Within the CG/W-2 District;
 - (b) On a lot that abuts M Street SE;
 - (c) On a lot located within Squares 700 or 701, north of the Ballpark site;
 - (d) On a lot that abuts South Capitol Street;

- (e) On a lot within Square 601, 656, or 657; or
- (f) Any lot which is the recipient of density through the combined lot provisions of §1602.

1610.2 With respect to those properties described in § 1610.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions:

1610.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in § 3104, an applicant requesting approval under this section must prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) Help achieve the objectives of the CG Overlay District as set forth in §1600.2;
- (b) Help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses;
- (c) Be in context with the surrounding neighborhood and street patterns;
- (d) Minimize conflict between vehicles and pedestrians;
- (e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and
- (f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.

1610.4 With respect to a building or structure to be constructed on a lot within the CG/W-2 District:

- (a) The building or structure shall provides suitably designed public open space along the waterfront;
- (b) A plan shall be included in the application for suitable open space treatment of the setback area for such uses as walkway and bikeway, passive or active recreational use, and including provisions assuring private maintenance of the space, convenient and permanent public access to the space, and suitable connections to adjacent public space along the waterfront; and
- (c) The application shall include view analysis which assesses openness of waterfront views and vistas, and views and vistas toward the Capitol Dome, other federal monumental buildings,

existing neighborhoods, South Capitol Street, and the Frederick Douglas Bridge.

1610.5 With respect to a building or structure which has frontage on Half Street SE south of M Street SE or Front Street SE south of M Street SE,:

- (a) The building or structure shall provide for safe and active streetscapes through building articulation, landscaping, and the provision of active ground level uses including retail, entertainment, cultural, and pedestrian concourse space;
- (b) The building or structure shall provide for safe and convenient movement to and through the site, including to public transit, the Ballpark, and to the Anacostia River; and
- (c) The application shall include view analysis which assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.

1610.6 With respect to a building or structure which has frontage on South Capitol Street SE:

- (a) The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;
- (b) The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable; and
- (c) The application shall include view analysis which assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.

1610.7 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

1610.8 At the time of filing an application with the Commission, the applicant shall pay the filing fee specified in § 3180.1(b)(16), plus such fees as apply to any additional zoning relief requested. The provisions of § 3181 relating to the administration of fees shall apply, except that the applicant may appeal any decision of the Director regarding the fee schedule to the Commission, which shall decide the appeal as a preliminary matter to hearing the application.

1610.10 A building that qualifies as a Capitol South Receiving Zone site under § 1709.18 and for which a building permit has been applied for prior to August 31, 2001, shall not be subject to the requirements of this section.”

Proposed amendments to the Zoning Regulations and Map of the District of Columbia are authorized pursuant to the Zoning Act of 1938, approved June 20, 1938 (52 Stat. 797; D.C. Official Code § 6-641.01 *et seq.*) (2001 Ed.)).

The public hearing on this case will be conducted in accordance with the provisions of § 3021 of the District of Columbia Municipal Regulations, Title 11, Zoning. Pursuant to § 3020, the Commission will impose time limits on testimony presented to it at the public hearing.

All individuals, organizations, or associations wishing to testify in this case should file their intention to testify in writing. Written statements, in lieu of personal appearances or oral presentations, may be submitted for inclusion in the record.

Information responsive to this notice should be forwarded to the Director, Office of Zoning, Suite 210, 441 4th Street, N.W., Washington, D.C. 20001. **FOR FURTHER INFORMATION, YOU MAY CONTACT THE OFFICE OF ZONING AT (202) 727-6311.**

CAROL J. MITTEN, ANTHONY J. HOOD, GREGORY JEFFRIES, JOHN G. PARSONS, AND MICHAEL G. TURNBULL, FAIA, ZONING COMMISSION FOR THE DISTRICT OF COLUMBIA, BY JERRILY R. KRESS, FAIA, DIRECTOR, AND BY SHARON S. SCHELLIN, ACTING SECRETARY TO THE ZONING COMMISSION.